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REMARKS

Upon entry of this response, claims 1, 9, 17, and 25 are amended to clarify the scope of the invention. Hence claims 1-32 are pending, of which claims 1, 9, 17 and 25 are independent. Applicants respectfully request that the Examiner consider entering the amendments as no new matters are introduced. For the reasons set forth below, Applicants respectfully submit that the pending claims define over the art of record.

Claim Rejections of claims 1, 5, 7-9, 13, 15-17, 21, 23-25, 29, 31, and 32

Claims 1, 5, 7-9, 13, 15-17, 21, 23-25, 29, 31, and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,751,794 to McCaleb et al. (hereafter "McCaleb") in view of United States Patent No. 6,279,030 to Britton et al. (hereafter "Britton"). Applicants respectfully traverse this rejection because Applicants submit that McCaleb and Britton, either alone or in combination, do not teach or suggest each and every element and limitation of independent claims 1, 9, 17, and 25.

The claimed invention is focused on how a computer determines whether a patch should be installed. In one conventional approach, to update or upgrade installed programs, a user had to connect to a server to download and install the needed patches. The determination of which patch should be installed has been determined by the user or by a server that interrogates system files of the user's computer. The user follows the directions provided by the server to install the patch. Such prior art techniques suffer security problems because the server may inadvertently or malevolently access or modify system configuration information, data and restricted data. Furthermore, the server only performs basic checking of installed components of the user's computer before giving the user a list of recommended patches to install and the directions to install these patches. Such basic checking may not identify compatibility problems or other issues. Additionally, the user's limited knowledge may not allow the user to install the patches correctly by following the given directions or make an adequate and appropriate decision about if all the recommended patches should be installed.

The claimed invention solves the problems of these prior art techniques. Independent claims 9, 17 and 25 are directed to a system, article of manufacture, and a medium, respectively,

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for providing a solution for a computer to determine for itself whether a patch should be installed and not rely on the server's or the user's decision. Independent claim 1 is directed to a method for a computer to determine for itself whether a patch should be installed. Applicants respectfully submit that the pending claims do not contain any interaction limitation between a server and a client. The pending claims are directed to a method performed on a single computer.

McCaleb discusses a method where a server system determines which update software should be installed on a client system. A request for an upgrade is sent to a server system by a client system. The server system generates a script file to send to the client system to collect application information of software applications installed on the client system. The client system collects information as instructed by the server system and sends the information back to the server. The server performs a comparison check between the received application information with the most updated upgrade packages for the corresponding software applications. The server made a decision if a most updated upgrade package need to be sent to the client system for installation based on the comparison. *See,* McCaleb lines 24-55. Accordingly, Applicants respectfully submit that McCaleb does not teach or suggest the pending claims.

Britton discusses a method and system with which a program component can be dynamically selected for downloading based on current values of one or more changeable attributes. Britton does not discuss how a computer determines for itself whether a patch should be installed. Furthermore, similar to McCaleb, Britton also discusses a server-client system which is not a limitation of the pending claims.

Accordingly, Applicants respectfully submit that McCaleb and Britton, either alone or in combination, do not teach or suggest the present invention as claimed. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 5, 7-9, 13, 15-17, 21, 23-25, 29, 31 and 32.

Claim Rejections of claims 2, 10, 18, and 26

Claims 2, 10, 18, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over McCaleb in view of Britton further in view of United States Patent No. 6,442,754 to Curtis (hereafter "Curtis"). Claims 2, 10, 18, and 26 depend on independent claims 1, 9, 17 and 25,

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respectively, and include all the limitations in the corresponding independent claim. Applicants respectfully submit that Curtis does not cure the deficiency of McCaleb and Britton regarding independent claims 1, 9, 17, and 25.

Curtis discusses a method, system, and program for checking dependencies of installed software components during installation or uninstallation of software programs. Curtis does not discuss whether a patch should be installed on a computer. Applicants respectfully submit that McCaleb, Britton, and Curtis, either alone or in combination, do not teach or suggest the claimed invention. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2, 10, 18, and 26.

Claim Rejections of claims 3, 11, 19, and 27

Claims 3, 11, 19, and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over McCaleb in view of Britton and further in view of United States Patent No. 6,266,811 to Nabahi (hereafter "Nabahi"). Claims 3, 11, 19, and 27 depend on independent claims 1, 9, 17, and 25, respectively, and include all the limitations of the corresponding independent claim. Applicants respectfully submit that Nabahi does not cure the deficiency of McCaleb and Britton regarding the independent claims.

Nabahi discusses a method and system for installing an application software package onto a computer using rule-based installation engine. Nabahi does not discuss a method and system to determine whether a patch should be installed on a computer. Applicants respectfully submit that McCaleb, Britton, and Nabahi, either alone or in combination, do not teach or suggest the claimed invention. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 3, 11, 19, and 27.

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CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-122 from which the undersigned is authorized to draw.

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Respectfully submitted,

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